

REMARKS

The Examiner objects to the specification because the abstract is not on a separate sheet. The amendments should comply with that rejection.

Claims 1, 3-16, 20-22 and 25-29 are pending in the application. Claims 1, 3-16, 20-22 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tau et al. (US 2001/0046606). In the Response to Arguments, the Examiner takes the position that the type of catalyst utilized is a method limitation that does not patentably distinguish a claimed product unless the method of making the product inherently results in a materially different product. The Applicants maintain that the catalyst used to produce polyethylene resins does result in a materially different product. In paragraph [0021], Tau incorporates by reference US 5,278,272 (US'272). US'272 is directed to substantially linear ethylene polymers. These substantially linear ethylene polymers are produced using single-site catalysts. See US'272 column 7, line 18 through column 16, line 20. US'272 describes these substantially linear ethylene polymers as having unusual properties, including an unusual combination of properties, in comparison to prior art catalyzed resins. See, column 2, lines 33-45; column 1, line 24 through column 2, line 30. As such, the claim limitation that the skin layers be "devoid of a homogeneously branched polyethylene resin prepared with a single site catalyst" does inherently result in a materially different product.

Published Application No. US2001/0046606A1 (D1) provides examples, all of which use Polyethylene Blend A which comprises a polyethylene made with a CGC catalyst, which is a single site catalyst. See paragraph [0104]. As such, the actual products disclosed in this reference do not have the identical structure (in terms of the material in the layers), indeed do not meet all of the limitations, of the current claims. Therefore, Tau does not anticipate current independent claims 1 and 16.

The Examiner requests comparative examples. The fairest comparison is between the examples of the reference and an example of the current invention. However, as mentioned above, the examples of the reference are outside the scope of the current claims.

Claims 1, 8-16, 20-22, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0388177A (Nelson). Nelson does not appear to be a blown film. Rather, Nelson appears to be a cast film. See, Column 9, lines 23-35. Accordingly, Nelson does not teach all of the elements of the current claims. Therefore, Nelson does not anticipate the subject matter of the current claims. Additionally, since cast film processes are substantially different from blown film processes, the resin properties need to be different to successfully produce a film. As such, one skilled in the art would not look to a cast film reference as the closest art for making a blown film. Therefore, the subject matter of the current claims is also non-obvious over Nelson.

Claims 1, 3-16, 20-22, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 0110643 (Banaszak). The Applicants still traverse on the grounds that Banaszak teaches a different principle of operation. Banaszak repeatedly emphasizes the necessity of multicomponent ethylene/ α -olefin copolymer interpenetrating network (IPN) for the films of their inventions.

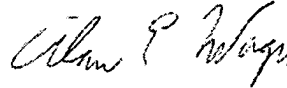
Additionally, the IPN resins are not the same as the resins used to make the IPN resins. As stated in Banaszak, "Interpenetrating networks, unlike blends, become new compositions exhibiting properties distinct from parent constituents." Therefore, the IPN of Banaszak is a different composition than the parent resins. As such, the IPN used in the Banaszak films does not anticipate the parent resins used in films such as the current invention.

Furthermore, the films of Banaszak are not blown films. As stated on page 19 (lines 6-19), the Banaszak films are cast films followed by solid-state orientation. Banaszak distinguishes between such films and hot blown films. See page 6 lines 21-27.

For the reasons argued above, the Applicant believes that the pending claims are all patentable over the prior art and requests that the Examiner reconsider and withdraw the pending rejections. The Applicant requests a timely issuance of a Notice of Allowance.

No fee is believed due for the filing of this response. However, if a fee is due, such fee should be charged to Deposit Account 041512 and any petitions required are provisionally made hereby.

Respectfully submitted,



Dated: January 16, 2009

Alan E. Wagner
Reg. No. 45,188

ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.
555 East Wells Street, Suite 1900
Milwaukee, WI 53202
414-273-2100
Customer No. 29423